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| APPLICATION NO.  | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|---------------|----------------------|---------------------|------------------|
| 09/111,978   | 07/08/1998    | LEONARD H. BIEMAN    | 5139.045USR         | 6380             |
| 40064  | 7590          | 10/10/2007           | EXAMINER            |                  |
| LEMAIRE PATENT LAW FIRM, P.L.L.C.<br>PO BOX 11358<br>ST PAUL, MN 55111 |               |                      | PHAM, HOA Q         |                  |
| ART UNIT   | PAPER NUMBER  |                      |                     |                  |
|  | 2877          |                      |                     |                  |
| MAIL DATE  | DELIVERY MODE |                      |                     |                  |
| 10/10/2007   | PAPER         |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

|  |                                     |                     |  |
|--|-------------------------------------|---------------------|--|
| <b>Supplemental<br/>Notice of Allowability</b> | <b>Application No.</b>              | <b>Applicant(s)</b> |  |
|  | 09/111,978                          | BIEMAN, LEONARD H.  |  |
|  | Examiner<br>Gregory J. Toatley, Jr. | Art Unit<br>2877    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to an Notice of Allowability mailed 3/22/07.

2.  The allowed claim(s) is/are 1-29.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

|  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____.   | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

Art Unit: 2877

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- Claims 30 – 85 are cancelled.

### **Examiner's Comment**

2. The Board of Interferences and Appeals affirmed the rejection of claims 30 – 85 on September 15, 2006. The examiner inadvertently overlooked the cancellation of the claims as per MPEP 1214.06 in the Notice of Allowability mailed March 22, 2007. Claims 1 – 29 remain allowable for the reasons set forth in the previous Notice.

Any inquiry concerning this communication should be directed to Gregory J. Toatley, Jr. at telephone number (571) 272-2059.

Gregory J. Toatley, Jr.  
SPE  
Art Unit 2877

2/20/07